

## REMARKS

Applicant respectfully requests reconsideration of the subject application as amended. In response to the Office Action mailed 9/7/05, Applicant is filing this amendment. Claims 1, 3-6, 8, 10, 12-14, 16, 18-22, 24, 26-28, 30, 32, 33 and 35-45 are still pending.

In the Office Action mailed 9/7/05, the Examiner has rejected claims 24, 26-28, 30, 32, 33 and 41-45 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Examiner states that the medium is not limited to tangible embodiments. Applicant has amended independent claims 24 and 30 to claim a computer-readable medium comprising a database which when operated upon by a program executable on a computer system is used to fabricate an integrated circuit. Thus, the recited medium is a computer-readable medium and the database on the medium is used to fabricate an integrated circuit, which is a tangible item.

Accordingly, Applicant submits that the amended independent claims 24 and 30 now recite statutory subject matter and Applicant requests the Examiner to withdraw the 35 U.S.C. §101 rejection. Accordingly, Applicant respectfully requests the Examiner to allow all pending claims 1, 3-6, 8, 10, 12-14, 16, 18-22, 24, 26-28, 30, 32, 33 and 35-45, as amended.

If there are any fee shortages related to this response, please charge such fee shortages to Deposit Account No. 50-2126.

Respectfully submitted,

GARLICK, HARRISON & MARKISON, LLP  
(Customer No. 34,399)

Date: 12-5-2005

By: William W. Kidd  
William W. Kidd  
Reg. No. 31,772  
Phone: (512) 263-1842  
Fax No: (512) 263-1469  
Email: wkidd@texaspatents.com